



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,092	12/19/2001	Kenichi Fujii	35.C16059	8755
5514 7590 05/17/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PEACHES, RANDY	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/021,092

Applicant(s)

FUJII, KENICHI

Examiner

Randy Peaches

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-43 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 23-28, 30-37 and 41-43*** are rejected under 35 U.S.C. 102(e) as being anticipated by Legge et al. (U.S. Patent Publication Number 2002/0034978 A1).

Regarding ***claim 23, 27, 36, 41 and 43***, Legge et al. details of an activity management system, which reads on claimed "system," having a management station (MS, 30), which reads on claimed "entrance/exit management apparatus," for regulating an

Art Unit: 2617

entrance/exit of a person (see paragraph [0061]), and an activity station (40), which reads on claimed "wireless communication terminal," for communicating with the said MS (30), wherein:

the said MS (30) comprises:

- a transceiving device (64)(31) adapted to transmit via a wireless network data connection, which reads on claimed "first wireless communication method," a communication function restriction request to the said activity station (30), (see paragraph [0039]), and to receive a response to the communication function restriction request from the said wireless communication terminal. See paragraph [0058];
- a gate device adapted to permit an entrance/exit of a person when transmitting of the communication function restriction request and the receiving of the response by the said transceiving device is completed. See paragraphs [0058-0060] and FIGURE 8; and

the wireless communication terminal comprises:

- a activity station (40), which reads on claimed "first communication device," adapted to communicate with the entrance/exit management apparatus by the first wireless communication method. See paragraph [0039];
- the client transponder (20), which reads on claimed "second communication device," adapted to communicate by the second wireless communication method, wherein Legge et al. discloses that the transponder has a detection

range; therefore, is able to be detected/communicate wirelessly. See paragraph [0025];

- a restriction device adapted to restrict communication of said second communication device in accordance with communication function restriction request received from said transceiving device by said first wireless communication method. Legge et al. teaches that the said transponder (20) is programmed with and event criteria (restriction information) to restrict the using client from certain information. See paragraph [0041].

Regarding **claim 24 and 42**, Legge et al. details of an activity management system, which reads on claimed "system," having a management station (MS, 30), which reads on claimed "entrance/exit management apparatus," for regulating an entrance/exit of a person (see paragraph [0061]), and an activity station (40), which reads on claimed "wireless communication terminal," for communicating with the said MS (30), wherein:

the said MS (30) comprises:

- a transceiving device (64)(31) adapted to transmit via a wireless network data connection, which reads on claimed "first wireless communication method," a communication function restriction request to the said activity station (30), (see paragraph [0039]), and to receive a response to the communication function restriction request from the said wireless communication terminal. See paragraph [0058];

Art Unit: 2617

- a gate device adapted to permit an entrance/exit of a person when transmitting of the communication function restriction request and the receiving of the response by the said transceiving device is completed. See paragraphs [0058-0060] and FIGURE 8; and
- a monitoring station (60), which reads on claimed "notification device", adapted to notify the computer contained with a till station (70), which reads on claimed "server apparatus," of an indication that the said transponder (50) from which the response was received by the transceiving device exists in a predetermined area. See paragraph [0039-0040]; and

the said computer comprises:

- a management device adapted to manage an existence location of the wireless communication terminal in accordance with a notice supplied from said notification device. See paragraph [0075-0079].

Regarding **claim 25**, according to **claim 24**, Legge et al. continues to disclose wherein said management device notifies the existence location of the wireless communication terminal to a second server apparatus owned by a carrier providing wireless communication for the wireless communication terminal. See paragraph [0075-0078].

Regarding **claim 26**, according to **claim 24**, Legge et al. continues to disclose wherein the said management device also manages an entering/leaving time of the wireless

Art Unit: 2617

communication terminal relative to the demographics, which reads on claimed "predetermined area." See paragraphs [0061-0063

Regarding **claim 28**, according to **claim 27**, Legge et al. continues to disclose wherein said gate device regulates an entrance/exit of a person by opening/closing of a gate. See FIGURE 8 and paragraph [0061].

Regarding **claims 30 and 37**, according to **claims 27 and 36**, Legge et al. continues to disclose wherein the response contains information indicating a communication function by the second wireless communication method after the indication signal communication function restriction request is received, wherein the second communication method is the communication of the activity station to the access control device. See paragraph [0059].

Regarding **claim 31**, according to **claim 27**, Legge et al. continues to disclose wherein a said monitoring station (60) adapted to notify a computer of an entering/leaving state of the wireless communication terminal relative to a predetermined area. See FIGURE 8.

Regarding **claim 32**, according to **claim 27**, Legge et al. continues to disclose wherein further comprising a notification device adapted to notify a server apparatus of an

Art Unit: 2617

entering/leaving time of the wireless communication terminal relative to a predetermined area. See paragraphs [0064 and 0065].

Regarding **claim 31**, according to **claim 27**, Legge et al. continues to disclose wherein said transceiving device transmits an indication signal for releasing the restriction of communication by the second wireless communication method when the wireless communication terminal exits from a predetermined area. See paragraphs [0061-0063].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) in view of da Silva (U.S. Patent Number 6,496,703 B1).

Regarding **claim 29**, according to **claim 27**, Legge et al. fails to support wherein the indication signal communication function restriction request is used for selecting one of a non-restriction mode without communication restriction, a manner mode of automatically turning off incoming call sounds of real time communication, a drive mode

of automatically responding to real time communication, a real time communication inhibition mode of permitting only non-real time communication, a call in/out restriction mode of inhibiting call in/out of all communications, and a wireless signal transmission restriction mode of inhibiting transmission of a wireless communication signal.

da Silva teaches in column 7 lines 39-45, where an indication signal is sent not to completely disable the cellular phone, which reads on claimed "wireless terminal", but to allow the user some functionality during a restriction. As example, incoming calls can be prohibited, while in turn, allowing outgoing calls to occur within a predetermined area. Also, da Silva discloses in column 7 lines 43-46, of prohibiting the ringing of a said cellular phone. See column 8 lines 38-42.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) in view of da Silva (U.S. Patent Number 6,496,703 B1) to incorporate a functionality allowing some, not all, service to be prohibited in a predetermined area. The relevance is to allow some communication to occur within a predetermined area so that the user is not completely disabled without communication.

3. **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) in view of Weber et al. (U.S. Patent Number 6,343,212 B1).

Regarding **claim 38**, according to **claim 36**, Legge et al. fails to support wherein the said second communication means can switch among a plurality of communication restriction modes, and said control means changes the communication restriction mode of said second communication means in accordance with a mode designated by the entrance/exit regulating apparatus.

Weber et al. discloses in column 3 lines 15-19, where the said base station (BTS), which reads on claimed "entrance/exit regulating apparatus", transmits system messages (signal) relating to mode change information for the said MS. Where Weber et al disclose a generating means, which reads on claimed "control means", which generates mode change information for switching a said MS into a different mode. Modes are defined as silent, vibrating and or visual. See column 4 lines 1-10. Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) in view of Weber et al. (U.S. Patent Number 6,343,212 B1) in order to define different modes that a said MS may changed to after receiving information pertaining to a communication restriction within a predetermined area.

4. **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) in view of Weber et al. (U.S. Patent Number 6,343,212 B1) in further view of da Silva (U.S. Patent Number 6,496,703 B1).

Regarding **claim 40**, as the above combination of Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) and Weber et al. (U.S. Patent Number 6,343,212 B1) are made, the combination according to **claim 38**, fails to disclose wherein the communication restriction modes include at least one of a non-restriction mode without communication restriction, a manner mode of automatically turning off incoming call sounds of real time communication, a drive mode of automatically responding to real time communication, a real time communication inhibition mode of permitting only non-real time communication, a call in-out restriction mode of inhibiting call in-out of all communications and a wireless signal transmission restriction mode of inhibiting transmission of a wireless communication signal.

da Silva teaches in column 7 lines 39-45, where an indication signal is sent not to completely disable the cellular phone, which reads on claimed "wireless terminal", but to allow the user some functionality during a restriction. As example, incoming calls can be prohibited, while in turn, allowing outgoing calls to occur within a predetermined area. Also, da Silva discloses in column 7 lines 43-46, of prohibiting the ringing of a said cellular phone. See column 8 lines 38-42.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Legge et al. (U.S. Patent Publication Number 2002/0034978 A1) and Weber et al. (U.S. Patent Number 6,343,212 B1) to further include da Silva (U.S. Patent Number 6,496,703 B1) to incorporate a functionality allowing some, not all, service to be prohibited in a

Art Unit: 2617

predetermined area. The relevance is to allow some communication to occur within a predetermined area so that the user is not completely disabled without communication.

Allowable Subject Matter

5. ***Claim 39*** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding ***claim 39***, according to ***claim 38***, wherein a person enters a predetermined area, if communication restriction of the mode designated by the entrance/exit regulating apparatus ***is more sever*** than communication restriction of a mode preset to said second communication mode, said control means changes a mode of said second communication means to the designated mode, whereas ***if not more severe***, the mode is not changed.

Conclusion

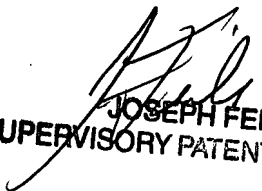
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches
RP


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER